THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12348 of 2006

Dated: 22.06.2006

Between

M.J. Haq, S/o Gulam Ghouse, Rtd. Driver, E.No.97527, R/o 1-5-11/4A, Arfath Colony, Banswada, Nizamabad District.

….. Petitioner.

And

APSRTC, Musheerabad, Hyderabad, rep. By its Managing Director and another.

….. Respondents.

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Oral order:

The petitioner joined the service of the respondents-APSRTC as Driver on 13.02.1981. While working as such, he was declared medically unfit to hold the post of Driver, and on that ground, he was retired from service vide orders dated 09.05.2006. It is the case of the petitioner that once the respondents-APSRTC retired him on medical grounds, they are under an obligation to provide him alternative employment having regard to the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, but the action of the respondents in retiring him on medical grounds without providing him alternative employment, is illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

Though the petitioner contends that the respondents-APSRTC having retired him on medical grounds, having regard to the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 are under an obligation to provide alternative employment, the fact remains, the petitioner has not made any representation to the respondents seeking to provide alternative employment. The petitioner without making any representation has filed this writ petition.

Inasmuch as the petitioner has not made any representation to the respondents-APSRTC seeking to provide alternative employment, both the counsel agreed for disposal of the writ petition with the following directions:

The petitioner, having regard to the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 is directed to make appropriate

representation to the respondents-APSRTC seeking to provide alternative employment, and if any such representation is made, the respondents-APSRTC shall consider and dispose of the same in accordance with law, within a period of six weeks from the date of representation to be filed by the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 22nd June, 2006.
KSR